IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SEP 18 2018

U.S. DISTRICT COURT-WVND MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v. KEDRIC PEARSON, PAUL CASTO, STORMETTA HAWKINS, WILLIAM KOCH, JACOB WRIGHT, DONALD HICKMAN JR., CODY BOLEY. BYRON HIGGINBOTHAM, JODI DENKENBERGER, ERICA HERRON, DAVID WEAVER, TAYLOR ESPINOZA, STEPHEN RICHARDS, SOLOMON COTTRILL, NATHAN CRITES,

Criminal No. 18 U.S.C. § 2 Violations: 18 U.S.C. § 922(g)(1) 18 U.S.C. § 922(g)(3) 18 U.S.C. § 924(a)(2) 18 U.S.C. \S 924(c)(1)(A)(i) 21 U.S.C. § 841(a)(1) 21 U.S.C. § 841(b)(1)(C) 21 U.S.C. § 843(b) 21 U.S.C. § 843(d)(1) 21 U.S.C. § 846 21 U.S.C. § 856(a)(2) 21 U.S.C. § 860 26 U.S.C. § 5841 26 U.S.C. § 5861(d) 26 U.S.C. § 5871

Defendants.

INDICTMENT

The Grand Jury charges that:

RUSSELL CLARK, FAITH MARTIN, JESSE PACK, and JUSTIN JACKSON

COUNT ONE

(Conspiracy to Distribute Methamphetamine)

From in or about the Fall of 2017, to or about the return of this Indictment in Harrison County, in the Northern District of West Virginia, and elsewhere, defendants, **KEDRIC**

PEARSON, PAUL CASTO, STORMETTA HAWKINS, WILLIAM KOCH, JACOB WRIGHT, DONALD HICKMAN JR., CODY BOLEY, BYRON HIGGINBOTHAM, JODI DENKENBERGER, ERICA HERRON, DAVID WEAVER, TAYLOR ESPINOZA, STEPHEN RICHARDS, SOLOMON COTTRILL, NATHAN CRITES, RUSSELL CLARK, FAITH MARTIN, JESSE PACK, and JUSTIN JACKSON did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and with other persons known and unknown to the grand jury to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute, and to distribute methamphetamine, a Schedule II narcotic controlled substance; in violation of Title 21, United States Code, Sections 846, and 841(b)(1)(C).

COUNT TWO

(Distribution of Methamphetamine)

On or about June 19, 2017, in Harrison County, in the Northern District of West Virginia, defendant **ERICA HERRON**, did unlawfully, knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the Grand Jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about July 27, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JACOB WRIGHT**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT FOUR

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about July 31, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JACOB WRIGHT**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT FIVE

(Distribution of Methamphetamine)

On or about August 15, 2017, in Harrison County, in the Northern District of West Virginia, defendant **ERICA HERRON**, did unlawfully, knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the Grand Jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

(Unlawful Use of Communication Facility)

From the fall of 2017, and continuing until the spring of 2018, in Harrison County, in the Northern District of West Virginia, defendant **JUSTIN JACKSON**, did unlawfully, knowingly and intentionally use a communication facility, that is a cellphone in committing, causing and facilitating the commission of a felony under Title 21, United States Code, Section 841(a)(1) and 846, as alleged in Count One of this Indictment, that is the distribution and conspiracy to distribute methamphetamine, a Schedule II narcotic controlled substance, by using such cellphone to communicate with other persons known to the Grand Jury to promote the distribution and conspiracy to distribute methamphetamine; in violation of Title 21, United States Code, Sections 843(b) and 843(d)(1).

COUNT SEVEN

(Distribution of Methamphetamine)

On or about September 28, 2017, in Harrison County, in the Northern District of West Virginia, defendant **ERICA HERRON**, did unlawfully, knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the Grand Jury, in exchange for \$120.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT EIGHT

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about October 10, 2017, in Harrison County, in the Northern District of West Virginia, defendant **SOLOMON COTTRILL**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$230.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT NINE

(Distribution of Methamphetamine)

On or about October 13, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JODI DENKENBERGER**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance to a person known to the grand jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TEN

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about October 18, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JODI DENKENBERGER**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$40.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT ELEVEN

(Distribution of Methamphetamine)

On or about October 26, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JODI DENKENBERGER**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWELVE

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about October 30, 2017, in Harrison County, in the Northern District of West Virginia, defendant **DAVID WEAVER**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT THIRTEEN

(Distribution of Methamphetamine)

On or about November 2, 2017, in Harrison County, in the Northern District of West Virginia, defendant **SOLOMON COTTRILL**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOURTEEN

(Distribution of Heroin)

On or about November 2, 2017, in Harrison County, in the Northern District of West Virginia, defendant **SOLOMON COTTRILL**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic controlled substance, to a person known to the grand jury, in exchange for \$30.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIFTEEN

(Unlawful Possession of a Firearm)

On December 1, 2017, in Harrison County, in the Northern District of West Virginia, defendant **STEPHEN RICHARDS**, having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, that is on or about June 3, 2010, defendant **STEPHEN RICHARDS**, was convicted in the Criminal District Court, Tarrant County, Texas in case number 1131370D of Possession of a Controlled Substance, did knowingly possess in and affecting commerce firearms, that is a Taurus pistol, model PT111, 9mm, serial number THY72213, and a F.N. Herstal (Columbia Fuerzas Militares) Bolt-action rifle, 30 caliber, serial number 28040, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SIXTEEN

(Distribution of Methamphetamine)

On or about December 8, 2017, in Harrison County, in the Northern District of West Virginia, defendant **JODI DENKENBERGER**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SEVENTEEN

(Distribution of Methamphetamine)

On or about January 4, 2018, in Harrison County, in the Northern District of West Virginia, defendant **DONALD HICKMAN**, **JR.**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT EIGHTEEN

(Aiding and Abetting Distribution of Methamphetamine)

On or about January 12, 2018, in Harrison County, in the Northern District of West Virginia, defendant **WILLIAM KOCH**, aided and abetted by a person known to the Grand Jury, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in exchange for \$100.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(c), and Title 18, United States Code, Section 2.

COUNT NINETEEN

(Distribution of Methamphetamine within 1000 of Protected Location)

On or about January 15, 2018, in Harrison County, in the Northern District of West Virginia, defendant **JODI DENKENBERGER**, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Washington Irving Middle School, a public school, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 860.

COUNT TWENTY

(Aiding and Abetting Maintaining Drug-Involved Premises)

From in or about February, 2018, and continuing until March 30, 2018, in Clarksburg, Harrison County, West Virginia, within the Northern District of West Virginia, the defendants **BYRON HIGGINBOTHAM and RUSSELL CLARK**, aided and abetted by each other, at a residence located on Winding Way, Clarksburg, West Virginia, whether permanently or temporarily, as a lessee and occupant, and did knowingly and intentionally make available for use, with and without compensation, that place for the purpose of unlawfully storing, distributing and using any controlled substance, to wit: methamphetamine, a Schedule II drug controlled substance; in violation of Title 21, United States Code, Section 856(a)(2), and Title 18, United States Code, Section 2.

COUNT TWENTY-ONE

(Unlawful Possession of a Firearm)

On March 30, 2018, in Harrison County, in the Northern District of West Virginia, defendant **BYRON HIGGINBOTHAM**, who is an unlawful user of and addicted to a controlled substance, that is methamphetamine, did knowingly possess in and affecting commerce a firearm that is a Manf. CBC (Companhia Brazilera De Cartuchos), model SB, .20 caliber sawed-off shotgun, serial number C1133451; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT TWENTY-TWO

(Possession of Unregistered Firearm)

On or about March 30, 2018, in Harrison County, in the Northern District of West Virginia, defendant **BYRON HIGGINBOTHAM**, knowingly received and possessed a firearm, that is a Manf, CBC (Companhia Brazilera De Cartuchos), model SB, .20 caliber sawed-off shotgun, serial number C1133451, having a barrel of less than 18 inches in length and not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNT TWENTY-THREE

(Distribution of Methamphetamine)

On or about April 25, 2018, in Harrison County, in the Northern District of West Virginia, defendant **NATHAN CRITES**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$60.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-FOUR

(Distribution of Methamphetamine)

On or about April 26, 2018, in Harrison County, in the Northern District of West Virginia, defendant **NATHAN CRITES**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-FIVE

(Possession with Intent to Distribute Methamphetamine)

On or about May 17, 2018, in Lewis County, in the Northern District of West Virginia, defendant **CODY BOLEY**, did unlawfully, knowingly, intentionally and without authority possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWENTY-SIX

(Unlawful Possession of a Firearm)

On May 17, 2018, in Lewis County, in the Northern District of West Virginia, defendant **CODY BOLEY**, who is an unlawful user of and addicted to a controlled substance, that is methamphetamine, did knowingly possess in and affecting commerce a firearm, that is a Star Bonifacio semi-automatic pistol, model 31P, .40 caliber, serial number 1932319; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT TWENTY-SEVEN

(Use of a Firearm During and in Relation to a Drug Offense)

On or about May 17, 2018, in Lewis County, in the Northern District of West Virginia, defendant **CODY BOLEY**, did knowingly use and carry a firearm described as a Star Bonifacio semi-automatic pistol, model 31P, .40 caliber, serial number 1932319, during and in relation to a drug trafficking crime for which he may be prosecuted in a Court of the United States; to-wit: the offense charged in Count Twenty-Five of this indictment, the allegations of which are incorporated herein by reference, a felony prosecutable in a Court of the United States under Title 21, United States Code, Section 841(a)(1); in violation of Title 18, United States Code, United States Code, Section 924(c)(1)(A)(i).

COUNT TWENTY-EIGHT

(Aiding and Abetting the Distribution of Methamphetamine within 1000 feet of a Protected Location)

On or about May 30, 2018, in Harrison County, in the Northern District of West Virginia, defendant **KEDRIC PEARSON** and **PAUL CASTO**, aided and abetted by each other, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Summit Park Playground, a public playground, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$1000.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), 860, and Title 18 United States Code, Section 2.

COUNT TWENTY-NINE

(Unlawful Possession of a Firearm)

On June 6, 2018, in Harrison County, in the Northern District of West Virginia, defendant **JESSE PACK**, who is an unlawful user of and addicted to a controlled substance, that is methamphetamine, did knowingly possess in and affecting commerce a firearm, that is a Diamond Back Arms pistol, model D89, .9mm caliber, serial number YJ7578; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY

(Distribution of Methamphetamine)

On or about June 7, 2018, in Harrison County, in the Northern District of West Virginia, defendant **PAUL CASTO**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$350.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-ONE

(Distribution of Methamphetamine)

On or about July 5, 2018, in Harrison County, in the Northern District of West Virginia, defendant **STORMETTA HAWKINS**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-TWO

(Distribution of Methamphetamine)

On or about July 10, 2018, in Harrison County, in the Northern District of West Virginia, defendant **NATHAN CRITES**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-THREE

(Distribution of Methamphetamine)

On or about July 11, 2018, in Harrison County, in the Northern District of West Virginia, defendant **FAITH MARTIN**, did unlawfully, knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the Grand Jury, in exchange for \$150.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-FOUR

(Distribution of Methamphetamine)

On or about July 30, 2018, in Harrison County, in the Northern District of West Virginia, defendant **DAVID WEAVER**, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$50.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-FIVE

(Possession with Intent to Distribute Methamphetamine)

On or about August 15, 2018, in Harrison County, in the Northern District of West Virginia, defendant **TAYLOR ESPINOZA**, did unlawfully, knowingly, intentionally and without authority possess with intent to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-SIX

(Possession with Intent to Distribute Heroin)

On or about August 15, 2018, in Harrison County, in the Northern District of West Virginia, defendant **TAYLOR ESPINOZA**, did unlawfully, knowingly, intentionally and without authority possess with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THIRTY-SEVEN

(Use of a Firearm During and in Relation to a Drug Offense)

On or about August 15, 2018, in Harrison County, in the Northern District of West Virginia, defendant **TAYLOR ESPINOZA**, did knowingly use and carry a firearm described as a Sundance Industries pistol, model A-25, .25 caliber, during and in relation to a drug trafficking crime for which he may be prosecuted in a Court of the United States; to-wit: the offense charged in Count Thirty-Five of this indictment, the allegations of which are incorporated herein by reference, a felony prosecutable in a Court of the United States under Title 21, United States Code, Section 841(a)(1); in violation of Title 18, United States Code, United States Code, Section 924(c)(1)(A)(i).

COUNT THIRTY-EIGHT

(Unlawful Possession of a Firearm)

On August 15, 2018, in Harrison County, in the Northern District of West Virginia, defendant **TAYLOR ESPINOZA**, who is an unlawful user of and addicted to a controlled substance, that is methamphetamine, did knowingly possess in and affecting commerce a firearm, that is a Sundance Industries pistol, model A-25, .25 caliber; in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-NINE

(Distribution of Methamphetamine)

On or about August 28, 2018, in Harrison County, in the Northern District of West Virginia, defendant **FAITH MARTIN**, did unlawfully, knowingly, intentionally and without authority distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the Grand Jury, in exchange for \$200.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FORTY

(Distribution of Methamphetamine within 1000 feet of a Protected Location)

On or about August 30, 2018, in Harrison County, in the Northern District of West Virginia, defendant WILLIAM KOCH, did unlawfully, knowingly, intentionally, and without authority distribute within 1000 feet of the real property comprising Veterans Administration Park playground, a public playground, a mixture and substance containing a detectable amount of methamphetamine, a Schedule II narcotic controlled substance, to a person known to the grand jury, in exchange for \$150.00 in United States currency; in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 860.

FORFEITURE ALLEGATION

Controlled Substance Act

1. Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, including:

- (1) a black 2011 Mercedes C300 SD, vehicle identification number WDDGF8BB0BR174116, license number WYV550;
- (2) a 2011 Chevy Camaro C2, vehicle identification number 2G1FB1ED5B9213128, license number MS CKT250; and
- (3) a residence located at 128 Winding Way, Clarksburg, WV 26301.

A true bill,	
/s/	
Grand Jury Foreperson	

/s/
WILLIAM J. POWELL
United States Attorney

Zelda E. Wesley Assistant United States Attorney